

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW PRESTON MARTELL

Defendant.

CR-05-120-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 16, 2025. (Doc. 100.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 14, 2025. (Doc. 99.) The United States accused Andrew Martell (Martell) of violating his conditions of supervised release by: (1) failing to comply with substance abuse testing requirements on May 28, 2024; (2) failing to comply with outpatient sex offender treatment on May 28, 2024; (3) failing to report to his probation officer

as instructed on May 8, 2024 and May 29, 2024; (4) being terminated from sex offender treatment on May 30, 2024; (5) failing to comply with his home confinement schedule on August 25, 2024; and (6) failing to comply with his home confinement schedule on August 26, 2024, with his probation officer unable to determine his whereabouts after he failed to report to work as scheduled. (Docs. 85 and 95.)

At the revocation hearing, Martell admitted that he had violated the terms of his supervised release by: (1) failing to comply with substance abuse testing requirements on May 28, 2024; (2) failing to comply with outpatient sex offender treatment on May 28, 2024; (3) failing to report to his probation officer as instructed on May 8, 2024 and May 29, 2024; (4) being terminated from sex offender treatment on May 30, 2024; (5) failing to comply with his home confinement schedule on August 25, 2024; and (6) failing to comply with his home confinement schedule on August 26, 2024, with his probation officer unable to determine his whereabouts after he failed to report to work as scheduled. (Docs. 96 and 99.)

Judge Johnston found that the violations Martell admitted prove serious and warrants revocation of Martell's supervised release and recommends a term of custody of Martell shall be placed in custody for 12 months and 1 day, with such term beginning on November 15, 2024, and with no term of supervised

release to follow. The custodial term shall run concurrently with the sentences imposed in Cause Nos. 05-119 and 18-104. Martell was advised of his rights to appeal and allocute to the undersigned. (Doc.99.)

The violations prove serious and warrants revocation of Martell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 100) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Andrew Preston Martell be sentenced to a term of custody for 12 months and 1 day, with such term beginning on November 15, 2024, and with no term of supervised release to follow. The custodial term shall run concurrently with the sentences imposed in Cause Nos. 05-119 and 18-104.

DATED this 16th day of January 2025.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court